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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 RODNEY SHIVELY, etc., Case No. C12-0290 EMC

9 Plaintiff, (Related case: C11-5774 EMC)

10 v. (MDL Case No. C12-md-2330 EMC  
11 In Re Carrier IQ, Inc.)

11 CARRIER IQ, INC., et al.,

## Defendants.

**ORDER VACATING HEARING DATE  
FOR PLAINTIFF'S MOTION TO  
REMAND**

16 Previously, the Court issued an order in which it stated that, from a case management  
17 perspective, it made sense to defer a hearing on Plaintiff Rodney Shively's motion to remand "and  
18 have its scheduling set after the CMC [on the MDL and related cases] is held." Order, dated  
19 5/2/2012. In spite of this order, Mr. Shively promptly renoted his motion to remand for hearing on  
20 June 1, 2012. *See* Renotice, dated 5/3/2012. Consistent with its prior ruling, the Court hereby  
21 **VACATES** the hearing noticed by Mr. Shively. As the Court previously stated, the motion to  
22 remand will not be reset for hearing until after the CMC is actually held. At the CMC, Mr. Shively  
23 may raise the issue of when his motion to remand should be heard, and opposing counsel as well as  
24 counsel for other plaintiffs will be given an opportunity to be heard on the same issue.

25 | IT IS SO ORDERED.

27 | Dated: May 4, 2012

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Edward M. Chen  
United States District Judge

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